

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

Michael J. Mirras

Plaintiff

V

CASE NO.: CV-04-0626-S

Chris S. Christ


Defendant

**MOTION TO DISMISS**

COMES NOW the Defendant, through undersigned counsel, and Pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure moves this honorable Court to dismiss this action. As grounds therefore Defendant would state as follows:

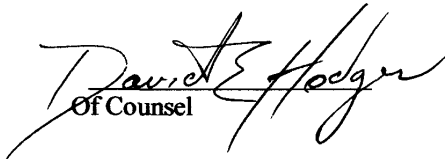
1. This is an action brought pursuant to the Fair Debt Collection Practices Act, 15 USC Section 1601, *et.seq.*, and the Fair Credit Reporting Act 15 USC Section 1681, *et.seq.*
2. The Plaintiff fails to allege any action of Defendant relating to credit reports, credit reporting, or the issuance of dissemination of credit information regarding the Plaintiff; or any act that otherwise would be in contravention of the Fair Credit Reporting Act. Thus, there is no claim stated for which relief could be granted under this provision.
3. The sum sought to be collected was not a consumer debt as defined by the Fair Debt Collection Practices Act.
4. More specifically, the obligation sought to be collected by Mr. Christ was not created by an extension of credit, nor did it arise of a consensual transaction for consumer goods or services which were primarily for personal family or household purposes. Rather the obligation arose out of the payment of taxes to Mexican Authorities on behalf of the plaintiff required by commercial activities in Mexico.

**WHEREFORE PREMISES CONSIDERED** the defendant respectfully requests that this action be dismissed for failure to state a claim.

  
**DAVID E. HODGES (HOD006)**  
**205 20<sup>TH</sup> STREET NORTH**  
**SUITE 933**  
**BIRMINGHAM, AL 35203**  
**(205) 328-0401**

**Certificate Of Service**

I hereby certify that I have served a copy of the foregoing Motion to Dismiss on Michael Mirras, Plaintiff *pro se* at 18474 Whispering Meadows Boulevard Vance, AL 35490-2549 by U.S. Mail postage pre-paid this the 5<sup>th</sup> day of May 2004.

  
Of Counsel